

## **REMARKS**

Claims 1-6, 8, 10-21, 24-28, 30-41 and 43-47 are now pending in the application. Claims 1, 2, 10, 15, 17, 27, 35, and 41 have been amended. Claims 2, 7, 9, 22, 23, 29 and 42 have been canceled. Claims 44-47 have been added. The basis for the foregoing amendments may be found throughout the written description, drawings, and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-10, 12-28 and 30-43 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Scarborough et al. (U.S. Pat. No. 5,632,747) (hereinafter, "Scarborough"). These rejections are respectfully traversed.

Independent Claim 1 has been amended to include "a sleeve defining an internal bore; a collar disposed within said internal bore; and a biasing member within said sleeve providing a biasing force on said collar ... wherein said collar is moveable, within said sleeve, between an engaged position and a non-engaged position ... wherein said harvesting member is able to move said collar generally with a manual force against said biasing force of said biasing member." Applicants respectfully submit that Scarborough does not disclose or fairly render obvious such recitations. Scarborough provides a dowel cutter 100. The dowel cutter 100 includes a cylindrical cutting blade 40, a medial body portion 110 having a threaded stem 116, and an elongate body portion 312. See Scarborough, FIG. 5, 6, and 7. Scarborough does not include a biasing member providing a biasing force on a harvesting member, as recited in Claim

1. Scarborough only discloses a cylindrical cutting blade 40 engaging either a medial body portion 212 or an elongate body portion 312. As a result, Applicants respectfully submit that Claim 1, and each of the claims that depend directly or indirectly therefrom, is in condition for allowance.

Independent Claim 15 has been amended to include "wherein said graspable assembly includes both a drill motor and a handle, wherein either said drill motor or said handle individually selectively engages said collet assembly...." Applicants respectfully submit that Scarborough does not teach or suggest such features. Scarborough provides for a cutting blade 40 and a plunger 122. See Scarborough, FIG. 8; col. 5, lines 12-30. Scarborough does not provide a graspable assembly including a handle and a drill motor that can individually engage a collet assembly. As a result, Applicants respectfully submit that Claim 15 and each of the claims that depend directly or indirectly therefrom, is in condition for allowance.

In addition, Applicants respectfully submit that dependent Claim 17 also includes patentable subject matter. Dependent Claim 17 has been amended to recite "a sleeve defining an internal bore; a collar disposed within said internal bore; and a biasing member within said sleeve." As discussed above, Applicants respectfully submit that a collet assembly as recited in dependent Claim 17 is also in condition for allowance in light of the cited art.

Independent Claim 27 has been amended to include "interconnecting a harvesting member with a collet member in a quick-release manner, including operably contacting said harvesting member with a biasing member and providing a biasing force on said harvesting member...." Applicants respectfully submit that Scarborough does

not teach or suggest such features. Scarborough provides for a cutting blade 40 to engage a medial body portion 112, 212 or an elongate body portion 312. See Scarborough, FIG. 9-12; col. 5, lines 15-20; col. 6, lines 1-6, 40-45. Therefore, Scarborough does not disclose a collet member including a biasing member providing a biasing force on a harvesting member. As a result, Applicants respectfully submit that Claim 27 and each of the claims that depend directly or indirectly therefrom, is in condition for allowance.

Independent Claim 35 has been amended to include "a harvest member ... a connecting member operable to selectively interconnect ... said harvest member ... wherein said connecting member includes a spring biasing member providing a biasing force on said harvest member, said connecting member, and a bearing member to ~~connect~~ interconnect in a substantially quick-release manner at least one of said graspable member and said harvest member." Applicants respectfully submit that Scarborough does not teach or suggest such features. Scarborough provides for a cutting blade 40 to engage an axial mounting member 310 and a support shaft assembly 320 further including a rod member 332 and a coiled compression spring 330. The coiled compression spring assists in removing a bone dowel from the cutting blade 40. See Scarborough, FIG. 19; col. 6, lines 40-45 & 55-66. Therefore, Scarborough does not disclose a collet member including a biasing member providing a biasing force on a harvest member. As a result, Applicants respectfully submit that Claim 35 and each of the claims that depend directly or indirectly therefrom, is in condition for allowance.

Independent Claim 41 has been amended to include “a harvesting member ... a graspable portion extending from said harvesting member ... and a collet portion including a biasing member providing a biasing force on said harvesting member and said collar to operably interconnect said harvesting member and said graspable portion....” Applicants respectfully submit that Scarborough does not teach or suggest such features. Scarborough provides for a cutting blade 40 to engage an axial mounting member 310 and a support shaft assembly 320 further including a rod member 332 and a coiled compression spring 330. The coiled compression spring 330 is for removing a bone core, as discussed above. See Scarborough, FIG. 19; col. 6, lines 40-45 & 55-66. Therefore, Scarborough does not disclose a collet member including a biasing member providing a biasing force on a harvesting member. As a result, Applicants respectfully submit that Claim 41 and each of the claims that depend directly or indirectly therefrom, is in condition for allowance.

In summary, Scarborough et al. appears to disclose a cutting blade 40 fixed with threads to a stem 316. Such a system does not include a biasing member, a dual graspable assembly, or a biasing force.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 11 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Scarborough et al. (U.S. Pat. No. 5,632,747) in view of “Autogenous Bone Coring: a Scientific Approach” by Arthrotek, Inc. and Schmidt, 2004 (hereinafter, “Schmidt”). These rejections are respectfully traversed.

Claim 11 is dependent on Claim 1. As set forth above, amended Claim 1 should now be in condition for allowance. Therefore, Claim 11 is also in a condition for allowance at least for the reasons set forth above with respect to Claim 1.

Claim 29 is dependent on Claim 27. As set forth above, amended Claim 27 should now be in condition for allowance. Therefore, Claim 29 is also in a condition for allowance at least for the reasons set forth above with respect to Claim 27.

Also, Applicants note that Schmidt has a copyright date of 2004; therefore, Schmidt does not qualify as prior art under 35 U.S.C. §102(a).

#### **NEW CLAIMS**

New Claims 44-47 are added by this amendment. Applicants submit that no new subject matter is added by new Claims 44-47 and support for each can be found in the application as filed. Additionally, Applicants respectfully submit that each of the new claims include patentable subject matter.

Dependent Claim 44 recites "wherein the collet assembly further includes a bearing to engage an aperture formed in said harvesting member." Applicants respectfully submit that the collet assembly recited in independent Claim 1 is not anticipated or fairly rendered obvious. Additionally, a bearing as recited in dependent Claim 44 is also not anticipated or fairly rendered obvious by the art cited in the current rejections.

Dependent Claim 45 recites "said harvesting member includes: a first harvesting member having teeth; and a second harvesting member having a driveable end."

Applicants respectfully submit that the first and second harvesting member are not anticipated or fairly rendered obvious by the art cited in the rejections.

Dependent Claim 46 recites "the graspable assembly includes a driveable handle and a drill motor." Applicants respectfully submit that the art cited in the rejection do not anticipate or fairly render obvious a graspable assembly including a driveable handle and a drill motor. Accordingly, dependent Claim 46 is also in condition for allowance.

Dependent Claim 47 includes subject matter substantially similar to that of amended dependent Claim 17. As discussed above, Applicants respectfully submit that such subject matter is not anticipated or fairly rendered obvious by the art cited in the rejections. According, dependent Claim 47 is also in condition for allowance.

#### **CONCLUSION**

As discussed above, Applicants have amended each of the currently pending independent claims. Applicants respectfully submit that the independent claims have been amended to expedite prosecution of the current application and are in condition for allowance in light of the art cited in the rejections. Accordingly, Applicants submit that all of the stated grounds of rejections have been traversed, accommodated, or rendered moot. Applicants respectfully request that the Examiner withdraw all of the outstanding rejections and pass the present application to allowance at the Examiner's earliest convenience. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Dated: August 4, 2008

By:

Respectfully submitted,



Richard W. Warner  
Reg. No. 38,043

Michael L. Taylor  
Reg. No. 50,521

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

SFJ/RWW/MLT/srh